

REMARKS

Claims 3-8, 10, 11, 13-16, 18-25, 28, 30, 32-35, 37-40, and 42-45 are currently pending in this application. Claims 3-5, 10, 11, 13-15, 18-25, 28, 30, 32-35, 37-39, and 42-45 have been amended. More specifically, claims 25, 28, 30, 38, and 42 have been rewritten in independent form to incorporate the features of their respective base claims and any intervening claims. Claims 3-5, 10, 11, 13-15, 18-24, 32-35, 37, 39, and 43-45 have been amended merely to change the dependencies of these claims, and not for any reasons related to patentability. Claims 1, 9, 12, 17, 26, 27, 29, 31, 36, and 41 have been cancelled without commenting on or conceding the merits of the rejections of these claims, and without prejudice to pursuing these claims in a continuation, divisional, or other application.

In the Non-Final Office Action mailed November 5, 2008, pending claims 1 and 3-45 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

(A) Claims 1, 3, 4, 9-14, 17, 19-23, 25-36, and 38-40 were rejected under 35 U.S.C. § 103(a) over the combination of U.S. Patent No. 6,594,690 to Cantwell ("Cantwell") and U.S. Patent No. 6,459,499 to Tomat ("Tomat");

(B) Claims 5-8, 15, 16, 18, and 37 were rejected under 35 U.S.C. § 103(a) over the combination of Cantwell, Published U.S. Patent App. No. US 2002/0004802 to Shima ("Shima"), and U.S. Pat. No. 6,785,805 to House et al. ("House");

(C) Claim 24 was rejected under 35 U.S.C. § 103(a) over the combination of Cantwell, Shima and U.S. Pat. No. 5,587,533 to Schneider et al. ("Schneider"); and

(D) Claims 41-45 were rejected under 35 U.S.C. § 103(a) over the combination of U.S. Pat. No. 7,120,910 to Matsuda et al. ("Matsuda") and Cantwell.

A. Response to the Section 103(a) Rejection of Claims 1, 3, 4, 9-14, 17, 19-23, 25-36, and 38-40 (Cantwell and Tomat)

Claims 1, 3, 4, 9-14, 17, 19-23, 25-36 and 38-40 were rejected under 35 U.S.C. § 103(a) over the combination of Cantwell and Tomat. Claims 1, 9, 12, 17, 26, 27, 29, 31 and 36 have been cancelled and, accordingly, the rejections of these claims are now moot. As set forth below, the applied references cannot support a Section 103 rejection of claims 3, 4, 10, 11, 13, 14, 19-23, 25, 25, 28, 30, 32-35, and 38-40 for at least the reason that these references fail to teach or suggest all the claimed features.

Independent claim 25, for example, recites a destination selection system that is "further configured to insert a destination address of the selected location for saving said scanning data in a self-extracting executable file." The applicant respectfully submits that these features are neither taught nor suggested by the applied references. The Office Action asserts that Tomat describes these features at Figures 6-9, block 133. (Office Action, p. 5.) The applicant respectfully disagrees with this assertion. Figures 6-9 of Tomat illustrate an add/edit profile window that allows a user to add or edit their profile. (Tomat, col. 9, lines 26-30.) Tomat describes that a user can specify a temporary file location and other aspects of an image file in block 133 as part of their user profile 50. (*Id.* at col. 9, lines 48-59 and col. 10, lines 12-25.) Tomat further describes that the user profiles 50 are stored on a fixed disk 15 of a computer system 2 to which the scanner 1 is attached. (*Id.* at col. 9, lines 6-9; *see also* Tomat, Figure 2.) Alternately, the user profiles 50 are stored on a network disk 83 attached to a server 68. (*Id.* at col. 9, lines 15-20; *see also* Tomat, Figure 3.) Because the specified file location is part of the user profile 50 and the user profiles 50 are stored on a disk, the specified file location is also stored on a disk. Because Tomat only describes storing a specified file location on a disk, Tomat does not teach or suggest inserting an address of a location in a self-extracting executable file. Accordingly, Tomat fails to teach or suggest a destination selection system that is "further configured to insert a destination address of the selected location for saving said scanning data in a self-extracting executable file," as recited in claim 25. Moreover, Cantwell fails to cure the deficiencies of Tomat to support a Section 103 rejection of claim 25. For at least these reasons, the Section 103 rejection of claim 25 should be withdrawn.

Claims 3, 4, 10, 11, 21, 32, and 33 depend from base claim 25. Accordingly, the Section 103 rejection of dependent claims 3, 4, 10, 11, 21, 24, 32, and 33 should be withdrawn for at least the foregoing reasons, and for the additional features of these dependent claims.

Independent claims 28, 30, and 38 recite several features generally similar to those of claim 25 (e.g., inserting a destination address of a selected location for saving said scanning data in a self-extracting executable file). Accordingly, claims 28, 30, and 38 are patentable over Cantwell and Tomat for at least the reasons discussed above with respect to claim 25, and for the additional features of these independent claims. Therefore, the Section 103 rejection of claims 28, 30, and 38 should be withdrawn.

Claims 13, 14, 22, and 23 depend from base claim 28, claims 19, 20, 34, and 35 depend from base claim 30, and claims 39 and 40 depend from base claim 38. Accordingly, the Section 103 rejection of claims 13, 14, 19, 20, 22, 23, 34, 35, 39, and 40 should be withdrawn for at least the foregoing reasons, and for the additional features of these dependent claims.

B. Response to the Section 103(a) Rejection of Claims 5-8, 15, 16, 18 and 37 (Cantwell, Shima and House)

Claims 5-8, 15, 16, 18, and 37 were rejected under 35 U.S.C. § 103(a) over the combination of Cantwell, Shima, and House. Claims 5-8 depend from base claim 25, claims 15 and 16 depend from base claim 28, claim 18 depends from base claim 30, and claim 37 depends from base claim 38. As noted in the Amendment filed September 15, 2008, Cantwell and Shima fail to teach or suggest certain features that are now recited in base claims 25, 28, 30, and 38 (e.g., a destination selection system to enable a user to select a location from a browser for saving scanning data, the location being selected from locations including locations other than the computer). House is relied on in the Office Action for describing "a login system adapted to enable said user to access said driver selection system following establishing an identity of the user." (Office Action, p. 9.) Even assuming for the sake of argument that this is correct (and the applicant expressly does not), House fails to cure the above-noted deficiencies

of Cantwell and Shima to support a Section 103 rejection of base claims 25, 28, 30, and 38. Accordingly, claims 5-8, 15, 16, 18, and 37 are allowable over the combination of Cantwell, Shima, and House for at least the reason that these references, either alone or in combination, fail to disclose or suggest the features of claims 25, 28, 30, and 38, and the additional features of these dependent claims. Therefore, the Section 103 rejection of dependent claims 5-8, 15, 16, 18, and 37 should be withdrawn.

C. Response to the Section 103(a) Rejection of Claim 24 (Cantwell, Shima and Schneider)

Claim 24 was rejected under 35 U.S.C. § 103(a) over the combination of Cantwell, Shima, and Schneider. Claim 24 depends from base claim 25. As noted in the Amendment filed September 15, 2008, Cantwell and Shima fail to teach or suggest certain features recited in base claims 25 (e.g., a destination selection system to enable a user to select a location from a browser for saving scanning data, the location being selected from locations including locations other than the computer). Schneider is relied on in the Office Action for describing "scanned data that is stored under a user defined file name and the user is queried if the scanned data is to be saved or not." (Office Action, p. 11.) Even assuming for the sake of argument that this is correct (and the applicant expressly does not), Schneider fails to cure the above-noted deficiencies of Cantwell and Shima to support a Section 103 rejection of base claim 25. Accordingly, dependent claim 24 is allowable over the combination of Cantwell, Shima, and Schneider for at least the reason that these references, either alone or in combination, fail to disclose or suggest the features of corresponding base claim 25, and the additional features of this dependent claim. Therefore, the Section 103 rejection of dependent claim 25 should be withdrawn.

D. Response to the Section 103(a) Rejection of Claims 41-45 (Matsuda and Cantwell)

Claims 41-45 were rejected under 35 U.S.C. § 103(a) over the combination of Matsuda and Cantwell. Claim 41 has been cancelled and, accordingly, the rejection of this claim is now moot. As set forth below, the applied references cannot support a Section 103 rejection of claims 42-45, for at least the reason that these references fail to

teach or suggest all the claimed features. For example, independent claim 42 recites "providing the selected scanner driver to the second computer, wherein providing the selected scanner driver to the second computer includes providing the selected scanner driver as a self-extracting file to the second computer, wherein the selected location is provided in the self-extracting file." According to the Office Action, Cantwell describe these features at col. 2, lines 45-53. (Office Action, p. 13.) The applicant respectfully disagrees with this assertion.

Cantwell actually describes that the user's browser browses a website containing drivers for a device. (Cantwell, col. 2, lines 20-27.) The browser downloads and executes executable code, which installs any required software on the user's client. (*Id.* at col. 2, lines 45-48.) The executable code then spawns a setup and configuration utility on the client, and information about the device is communicated to the executable code. (*Id.* at col. 2, lines 54-56.) The executable code uses this information to select a driver for the device. (*Id.* at col. 3, lines 3-7.) Once a driver is selected, it is downloaded and installed. (*Id.* at col. 3, lines 8-10.) Based on the undersigned's review of Cantwell, this reference contains no teaching or suggestion that the driver is provided as a self-extracting file. Moreover, Cantwell does not teach or suggest selecting a location for storing scanning data. Accordingly, Cantwell does not teach or suggest providing a selected location for storing scanning data in a self-extracting file. Moreover, Matsuda fails to cure the deficiencies of Cantwell to support a Section 103 rejection of claim 42. For at least these reasons, the Section 103 rejection of claim 42 should be withdrawn.


Claims 43-45 depend from base claim 42. Accordingly, the Section 103 rejection of dependent claims 43-45 should be withdrawn for at least the foregoing reasons, and for the additional features of these dependent claims.

Conclusion

In view of the foregoing, the pending claims comply with the requirements of 35 U.S.C. § 112 and are patentable over the applied art. The applicants accordingly request reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Joseph F. Brennan at (206) 359-6065.

Respectfully submitted,
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